

CCOASTAL CONSERVANCY

Staff Recommendation

January 27, 2005

Poovey Acquisition

File No. 03-155

Project Manager: Su Corbaley

RECOMMENDED ACTION: Authorization to disburse up to \$340,000 to the Friends of the Dunes Land Trust to acquire the 173-acre Poovey property on the North Spit of Humboldt Bay and plan for public access on the site.

LOCATION: Manila, Humboldt County

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Maritime Forest and Open Dunes Habitat

Exhibit 3: Wetland Habitat

Exhibit 4: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred twenty-five thousand dollars (\$325,000) to the Friends of the Dunes Land Trust (FOD) for the acquisition of and associated acquisition costs for the Poovey property in the town of Manila, Humboldt County (Humboldt County Assessor’s Parcel Nos. 401-011-23, 401-021-18 401-011-020, 401-021-027, 401-021-028, 401-011-018, 401-011-012, 401-011-010, and 401-021-011), as depicted in Exhibit 1 to the accompanying staff recommendation. The Conservancy further authorizes the disbursement of an amount not to exceed fifteen thousand dollars (\$15,000) to prepare a plan for public access on the site and to connect the site to trail systems on adjacent public access lands. These authorizations are subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for the acquisition, FOD shall submit for review and written approval of the Executive Officer of the Conservancy (“the Executive Officer”):

- a. All relevant acquisition documents, including but not limited to, appraisals, agreements of purchase and sale, escrow instructions and documents of title necessary to the acquisition of the property.
 - b. Evidence that FOD has available all funds necessary to complete the transaction.
 - c. A signing plan for the project acknowledging Conservancy participation.
2. Prior to the disbursement of funds for access planning, FOD shall submit for review and approval of the Executive Officer:
 - a. A work plan, budget and schedule for the preparation of the access plan.
 - b. The names and qualifications of any contractors to be employed to carry out the work plan.
 - c. Evidence that FOD has taken title to the Poovey property.
3. FOD shall pay no more than fair market value for the Poovey property as established in an appraisal approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign or signs, the design and placement of which have been approved by the Executive Officer.
5. The Friends of the Dunes shall permanently dedicate the property for public access, open space, habitat conservation, and outdoor recreation, in a manner acceptable to the Executive Officer.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 *et seq.*) regarding access to the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Friends of the Dunes is a nonprofit organization existing under Internal Revenue Code 501(c)(3) whose purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

The proposed authorization would enable the Friends of the Dunes to acquire approximately 173 acres of property known as the Poovey property located on the north spit of Humboldt Bay in the town of Manila (see Exhibit 1), and to prepare an access management plan for the property to connect the trails on the property with the existing system of trails on the Manila Dunes Recreation Area immediately to the north, and protect sensitive habitat. The property is owned by several family members; all have indicated a willingness to sell the property to the Friends of the Dunes.

After acquisition, Friends of the Dunes, who have a cooperative management agreement with the Manila Community Services District (managers of the adjacent Manila Dunes Recreation Area, immediately to the north), will develop a plan to address managed public access, restoration, threatened and endangered species protection and interpretive signage. FOD and Manila Community Services District have a longstanding cooperation under which FOD has provided enhancement of the Manila Dunes Recreation Area including removal of invasive plant species, production of interpretive trail guides and signage, and consultation for trail use and maintenance. The Poovey property would be managed consistent with those practices including providing public access and preserving sensitive resources.

The proposed property area consists of two habitat types: upland and wetland/tidal land, separated by the Samoa Road (see Exhibits 1, 2 and 3). It is anticipated that the upland property will have a formal system of low impact trails with signage through the forest to the dunes, while the bay front property could be developed for loop trails with bay overlook viewing.

The property is immediately south of the 101-acre Manila Dunes Recreation Area. With the acquisition of the 173-acre Poovey property, a total of 276 contiguous acres will be available for public access. It will be protected perpetually from inappropriate uses to protect the dunes' sensitive habitat.

Acquisition of the property by FOD would provide an immediate opportunity to increase the public access on the west shore of Humboldt Bay and would reduce resource fragmentation and restoration of these unique terrestrial and wetland habitats, and protect habitat for endangered species. Further, the project is consistent with the purposes of the Humboldt County Local Coastal Plan, as discussed below.

Friends of the Dunes Land Trust is a non-profit 501(c)(3) organization whose purpose is the acquisition, for conservation, of coastal property on the north coast of California.

Site Description: The Poovey property encompasses approximately 173 acres over several parcels on the north spit of Humboldt Bay in Humboldt County immediately south of another important Conservancy project – the Manila Dunes Recreation Area (MDRA), acquired by the Manila Community Services District in 1991. The site is bounded on the south and west by forest and shoreline property owned by Simpson Timber Company, on the east by Humboldt Bay, and on the north by the MDRA. The property is part of the ancient dunes systems on the north spit of Humboldt Bay and includes one of the two largest remaining tracts of maritime forest/salt marsh/dunes systems in the northwest. It is comprised of upland and wetland, the former being comprised of maritime forest, salt marsh and dunes, and the latter of dry, intertidal and submerged land. The upland property provides habitat for migrating tropical birds, and the endangered botanical Beach Layia and Menzies wallflower; the bay front parcels include intertidal wetlands which include eelgrass habitat.

Project History: On April 26, 1991, the Conservancy approved the *Manila Dunes Access Plan*, which was developed to identify projects for furthering public access in and around the Manila Dunes. Acting on recommendations in that plan, the Manila Community Services District in 1991 acquired property that was to become the Manila Dunes Recreation Area. In October 2002, the Conservancy authorized additional funding for access improvements at the MDRA, including a higher capacity parking lot, visitor restroom facilities, trail heads and markers, and a wetland overlook; that work was completed in early 2004. The 1991 Plan also recommended acquisition of properties adjoining (what would become) MDRA, including the Poovey property to the

south, in order to protect a large tract of maritime forest and dunes habitat, and greatly expand the system of trails from MDRA into the dense cover of the forest system on the Poovey property.

For years, trespass has occurred on the Poovey property, which has resulted in unauthorized camping, and dumping of domestic garbage and larger items such as vehicles. The owners have installed a locking gate to control vehicles entering the site. Unauthorized access has been gained from Samoa Road (east of the property) and from the MRDA to the north, at the terminus of its “Forest Trail”. A longstanding goal for the MDRA has been to complete the “Forest Trail” as a loop trail, extending it into the Poovey property to traverse to the west and loop north onto the MDRA again.

The Conservancy has worked with the Friends of the Dunes for several years, working to restore coastal habitat, improve regional awareness of the fragile dunes system and increase interpretive public access of that system. The Friends of the Dunes Land Trust was formed in 2000 to increase its role to affect preservation of coastal ecosystem.

In late 2002, Friends of the Dunes Land Trust approached the Conservancy, indicating that the owners of approximately 115 acres of open dunes and maritime forestlands were receptive to a possible sale of their property for preservation. The owners had been approached for sale of their property to prospective developers, for use as single-family residences on each parcel, consistent with local zoning. Since then, FOD has worked with the owners to secure an agreement for sale of the property to the land trust. In November 2004, the owners approached the land trust with a modified offer, to include an additional 58 acres of wetland and bayfront properties. The expanded offer increases the preservation value of the project since it expands the habitat type protected, and diversifies the public access opportunities to include not only the forests and dunes, but also intertidal habitat. Additionally, the project would provide parking at the southern end of the connected Manila Dunes Recreation Area and Poovey properties and offers two distinct experiences: trails through ancient forest at the southern end to the open dunes, and trails on the open dunes at the northern end crossing to the shoreline.

This project would continue the Conservancy’s efforts to protect, preserve, and provide public access on, the north and south spits of Humboldt Bay.

PROJECT FINANCING:

Acquisition:

Coastal Conservancy	\$325,000
Other sources*	<u>75,000</u>
Subtotal	\$400,000

Access Planning:

Coastal Conservancy	\$15,000
Friends of the Dunes	<u>\$2,500</u>
Subtotal	\$20,000
Total Conservancy Cost	\$340,000
Total Project Cost	\$420,000

* Other sources: The Friends of the Dunes is applying for other grant funds from sources including local foundations, and has launched a membership fundraising drive.

The proposed funding source for the Conservancy's contribution is a fiscal year 2002 appropriation from Proposition 40, the "California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002". Proposition 40 funds may be used for the acquisition and protection of land and water resources in accordance with the provisions of the Conservancy's enabling legislation (see Public Resources Code Section 5096.650). This project is consistent with Proposition 40 in that it will preserve open space and sensitive habitat. In addition, the proposed project is appropriate for Proposition 40 grant funding priority, since it includes a commitment of matching funds (Public Resources Code §5096.651).

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project would be undertaken pursuant to Sections 31400 *et seq* of Division 21 of the Public Resources Code.

Public Resources Code Section 31400 states the Legislature's intent that the Conservancy have a principal role in the implementation of a system of public accessways to and along the state's coastline. In the proposed project, the Conservancy funding would protect a coastal wetland area and sensitive dune system, and provide pathways and viewpoints to and through the resource. Further, the project will provide an interpretive link between the bay and upland ecosystems. The Poovey property access system will also expand on the access framework established at the Manila Dunes Recreation Area. The proposed funding authorization is thus consistent with Public Resources Code Section 31400.

Consistent with Section 31400.1, the Conservancy may provide grants to nonprofit organizations to develop lands for public access purposes. As with many of the other recreation areas in Humboldt County, domestic and international visitors are drawn to Humboldt County to see the dramatic setting of dunes, ancient forest and sweeping ocean views.

The proposed funding authorization is also consistent with Public Resources Code Section 31400.2, which provides that the Conservancy may provide up to the total cost of the acquisition of interests in land for the development of public accessways by any nonprofit organization, as provided in Section 31400.1. The Conservancy funding would cover 75% of the cost of the acquisition; the Friends of the Dunes Land Trust will secure the remaining 25%.

The proposed funding authorization is consistent with Public Resources Code Section 31400.3, which provides that the Conservancy may provide such assistance as is required to aid nonprofit organization in establishing a system of public coastal access ways. The Conservancy funding would include funds for Friends of the Dunes Land Trust to prepare a plan to integrate the trails on the Poovey property with those on adjacent public property and to develop trails and visitor viewpoints on the bay front portion of the property.

The public interest in this project will be protected through an agreement with the nonprofit organization, consistent with Public Resources Code Section 31116(b).

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 5, Objective A**, the proposed project will result in the protection of an additional 173 acres of coastal dune and wetland habitat, thereby protecting biological diversity in coastal areas.

Consistent with **Goal 5, Object C**, the proposed project will help to eradicate non-native invasive species through planning efforts that will incorporate protection and restoration of habitat with public access uses.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** This project has received widespread support for the protection of the dunes and the access it will provide. Supporters include state and local public officials, federal conservation agencies, and botanists. (See Exhibit 4 for copies of letters of support.)
4. **Location:** The proposed project would be located within the coastal zone of Humboldt County.

5. **Need:** Many people are drawn to Humboldt County because of its wild and accessible coastline. Yet, as the population of Humboldt County continues to expand the coastal properties are in higher demand for development as residences and the threat that the coast won't be accessible to the public becomes more real. Therefore, it is critical to protect the property and its resources while providing public access. Because FOD is a fairly newly established land trust that hasn't a large financial base it is committed to applying for matching grants from other funding organizations. The Conservancy's involvement and funding will provide the leverage needed for those funding applications.
6. **Greater-than-local interest:** The Humboldt Bay area is a destination for visitors from all over the world who are drawn to northern California for the mountains, redwoods, and oceans, and to Humboldt County for its atmosphere and aesthetics. Increasing the available dunes access and providing an area where ancient systems can be experienced will expand the appeal of this unique area for tourism.

Additional Criteria

7. **Urgency:** If Friends of the Dunes does not acquire the property, it will likely be sold as a homesite and made unavailable to the public. In that case, its sensitive habitat could not be protected and restored.
8. **Resolution of more than one issue:** Placing the property under the care and management of the Friends of the Dunes Land Trust would eliminate the inappropriate camping, trespass, and dumping of waste that presently occurs. Additionally, it would provide the needed legal access for hikers onto the MDRA property at its southern boundary.
12. **Readiness:** The sellers have signed a letter of intent to sell the property to the Friends of the Dunes Land Trust, and are preparing an independent appraisal. As soon as all the necessary funding is in place, the project can proceed.
13. **Realization of prior Conservancy goals:** This project would satisfy the recommendation in the 1991 Conservancy-approved *Manila Dunes Access Plan* to acquire the Poovey property for public access.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The Humboldt Bay Area Plan and its supporting zoning regulations form the Local Coastal Program (LCP) for the project area. Humboldt County's LCP consists of an integrated system of Land Use Plan (LUP) and Implementation Plan (IP) documents. The Humboldt County LCP policies address resource protection and public access issues. In response to resource protection needs on the north and south spit of Humboldt Bay, the County completed the Beach and Dunes Management Plan (HBDMP). The preferred planning alternatives from the HBDMP were approved by the Coastal Commission and amended to the Humboldt Bay Plan (LCP) and the county General Plan. The HBDMP, adopted by the Coastal Conservancy in April 1995, confirms the information presented in the LCP and discusses planning alternatives. Specifically, the LCP recommends the purchase by private parties land along the north spit that is designated as Natural Resources ("NR"); the Poovey property is designated NR.

Section 3.30 of the Humboldt Bay Area Plan (HBAP) identifies as environmentally sensitive habitat the vegetated dunes along the North Spit to the Mad River (Section 3.30.B.1). The

Poovey property falls within that geographic area on the north spit. These dunes are also identified as critical habitat for rare and endangered species listed on state or federal lists. The endangered beach layia and Menzies Wallflower are present on the subject property.

Section 3.30.B.11 of the HBAP lists resource restoration as an acceptable “new development” in beach and dunes areas, and recommends the purchase of dune and beach areas designated Natural Resources by private or public agencies committed to preserving the area in its natural state. This area is designated Natural Resources in the Plan and Friends of the Dunes has proven its commitment to preserving the area in its natural state.

Additionally, Chapter 6 of the HBDMP reinforces the recommendations found in the HBAP for purchase of lands for conservation by private parties. Thus, acquisition of the Poovey property by Friends of the Dunes is consistent with Humboldt County planning policies.

COMPLIANCE WITH CEQA: This project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations (CCR) Sections 15313 and 15325, and categorically exempt from CEQA pursuant to 14 CCR Section 15262.

Friends of the Dunes Land Trust will acquire the Poovey property for conservation and preservation of open space. Section 15313 exempts from CEQA review the acquisition of land for wildlife conservation purposes, and Section 15325 exempts transfers of interest in land in order to preserve open space and habitat resources. Friends of the Dunes will prepare a management plan for access and restoration on the property. Section 15262 exempts from CEQA review projects that involve only feasibility or planning studies for future actions that have not been approved, adopted, or funded by the Conservancy.

Staff will file a Notice of Exemption upon approval of this project.